Supreme Court, U.S.
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No.

IN THE

Supreme Court of the United States

In the Matter of the Visitation of AARON JACOB (FOLLUM) VIOLANTE AND MARIE ALYSSA (FOLLUM) VIOLANTE, Minors, WARREN R. FOLLUM SR.,

Petitioner,

v.

JOYCE ANN FOLLUM
a.k.a
JOYCE ANN VIOLANTE

Respondent.

On Petition For Writ Of Certiorari to the Court of Appeals State of New York

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. New York permits grandparents under Domestic Relations Law § 72 to petition for court ordered visitation with their minor grandchildren - despite the parents' objections - only if after a full and fair evidentiary hearing on the grandparents' standing and the best interests of the minor grandchildren equity seems fit to intervene. Does imposing this two-prong test upon pro se litigants and their grandchildren violate the parties Due Process and Equal Protection rights to a fair and meaningful opportunity to be heard on the issues of standing and the best interests of the children where the pro se litigants are denied full disclosure by the New York courts and the parent(s) on all issues which are relevant and material to prosecuting and defending the State's imposed two-prong test? The New York Court of Appeals found that the lower courts' decisions did not offend the petitioner's and the children's rights to a full and fair hearing under the Due Process and Equal Protection Clauses of the Fourteenth Amendment. This case presents the question of whether there is a statutory distinction under both New York's Civil Practice Laws and Rules (NYCPLR), and Domestic Relations Laws (NYDRL) between pro se litigants and litigants represented by counsel, and whether this distinction violates fundamental Fourteenth Amendment Due Process and Equal Protection Rights. The New York courts' erred when they denied petitioner and his grandchildren a full and fair opportunity to be heard.

A. Whether the Fourteenth Amendment Due Process and Equal Protection Clauses guarantees pro se litigants' and the children, who are the subjects of the litigation, to a full and fair hearing when the New York courts did not compel respondent to provide petitioner full disclosure on all issues that are relevant and material to the

prosecution and defense of this matter, under NYCPLR Article 31 Disclosure, and NYDRL ?

B. Whether , when the respondent's fitness is drawn into question, does the Fourteenth Amendment Due Process and Equal Protection Clauses guarantee petitioner the right to a full and fair hearing by having the New York courts compel respondent to submit to a physical and mental examination, under NYCPLR Article 31 Disclosure, NYDRL , and New York Family Court Act (NYFCA)?

C. Whether, when the parents' fitness is drawn into question, does the Fourteenth Amendment Due Process and Equal Protection Clauses require the New York courts to determine respondent's fitness, prior to the New York courts determining the petitioner's standing, and whether the grandchildren's best interests would be served by having visits with petitioner, under NYCPLR , NYDRL, and (NYFCA)?

D. Whether, when the parents' fitness is drawn into question, does the Fourteenth Amendment Due Process and Equal Protection Clauses guarantee petitioner's grandchildren the right to a full and fair hearing by having the New York court's or the children's Law Guardian bring the children before the New York courts to determine whether the children are in a safe and secure environment, and whether the children's Law Guardian is to interview the children and individuals who have daily contact with the children to determine whether they are in a safe and secure environment, under NYDRL, and NYFCA?

PARTIES TO THE PROCEEDING

The parties to this proceeding are set forth in the caption. The litigation concerns visitation with Aaron Jacob (Follum) Violante and Marie Alyssa (Follum) Violante, both minors.

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